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September 30, 2020

**VIA ECF**

Hon. Cheryl L. Pollak  
United States Magistrate Judge  
Eastern District of New York  
United States Courthouse  
225 Cadman Plaza East  
Chambers Room 1230  
Brooklyn, NY 11201

**Re: Yookel, Inc. v. United States Steel Corporation et al.**  
**United States District Court for the Eastern District of New York**  
**Case No.: 1:20-CV-04513-KAM-CLP**  
**Our File Number 1162.001**

Dear Judge Pollak,

This firm represents the Nominal Defendants, CSX Transportation, Inc., Norfolk Southern Railway Company, and Consolidated Rail Corporation (collectively the “Nominal Defendants”) in this matter. Pursuant to Rules 6 and 7 of the Federal Rules of Civil Procedure and the Individual Practices of Your Honor, we write on behalf of the Nominal Defendants as well as Defendant United States Steel Corporation<sup>1</sup> (“U.S. Steel”; collectively with the Nominal Defendants, the “Defendants”), to respectfully request an extension of time to October 15, 2020 for the Defendants to respond to Plaintiff Yookel, Inc.’s (“Yookel”) Complaint (ECF No. 1-2).

The Defendants removed Yookel’s Complaint from the Supreme Court of the State of New York, County of Kings, on September 23, 2020, such that a response to Yookel’s Complaint is potentially due on September 30, 2020. *See* ECF No 1. However, prior to the Defendants removing this action, Yookel stipulated to an extension of the deadline for the Defendants to respond to the Complaint until October 15, 2020.<sup>2</sup> Based upon this stipulation, the Defendants’ deadline to respond to the Complaint is October 15, 2020. In an abundance of caution, the Defendants file the present Letter Motion in this Court respectfully requesting an order extending the time for their respective responses until October 15, 2020 in this matter consistent with the parties’ stipulation.

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<sup>1</sup> U.S. Steel reviewed and joins in this request.

<sup>2</sup> Attached to this letter are copies of the stipulations filed in the Supreme Court of the State of New York, County of Kings.

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Additionally, the parties are currently in discussions regarding the potential dismissal of the Nominal Defendants from this action and Yookel's filing of an Amended Complaint regarding the same such that granting this request will allow the Court and the parties to preserve resources. This request for an extension of time is made in good faith and is not designed for the purpose of delay. The requested extension will not prejudice any party or the Court. Accordingly, to preserve the resources of the Court and the parties, the Defendants request an extension of time until October 15, 2020, to respond to Yookel's Complaint.

This is the Defendants' first request for an extension of time. Counsel for the Defendants conferred with counsel for Yookel as to whether Yookel has any objection to this motion. Yookel's counsel indicated she is unopposed to this motion, but has not yet conferred with her client on the issue.

Thank you for Your Honor's Time and consideration of this matter.

Respectfully,

**GAINES, NOVICK, PONZINI, COSSU  
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Cc: Neil C. Scott *Counsel for Defendant U.S. Steel Corporation (Via ECF)*  
Shivani Poddar *Counsel for Yookel, Inc. (via email)*